

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CLINTON STRANGE,

Plaintiff,

v.

CARNIVAL CORP.,

Defendant.

Case No. 5:18-cv-00295-SMH-MLH

**DEFENDANT’S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
AND FOR IMPROPER VENUE**

COMES NOW Defendant Carnival Corporation (“Carnival”), and respectfully moves for an order dismissing the claims of Plaintiff, Clinton Strange, for failure to state a claim and for improper venue. Plaintiff has failed to state a claim upon which relief may be granted because he has failed to sufficiently allege any violations of the TCPA in his Second Amended Complaint. In addition, this claim was filed in an improper venue because Carnival is not a resident of the Western District of Louisiana and because the Western District of Louisiana is not the location where the events or omissions giving rise to the claim occurred. In the alternative, and only in the event that the Court declines to dismiss this action, Carnival requests that this action be transferred to the Eastern District of Louisiana pursuant to 28 U.S.C. § 1406(a).

For the reasons more fully articulated in the accompanying Memorandum in Support, Carnival respectfully moves for an order dismissing the claims of Plaintiff, Clinton Strange.

Respectfully submitted,

FOWLER RODRIGUEZ

/s/ Ashley E. Bane

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CERTIFICATE OF SERVICE

I hereby certify that copies of this document have been served on the plaintiff, Clinton Strange, via U.S. mail on this 23rd day of May, 2018.

/s/ Ashley E. Bane